

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

MATTHEW FINSTON,

Plaintiff,

v.

TAYLOR CHRISTOFFERSEN, SAMUEL
CHARLES CARY, BRADY FARRELL, and
ADDISON BRADLEY BACHMAN,

Defendants.

_____ /

VERIFIED COMPLAINT AND JURY DEMAND

Plaintiff Matthew Finston, through counsel, states as follows for his Verified Complaint against Defendants Taylor Christoffersen, Samuel Charles Cary, Brady Farrell, and Addison Bradley Bachman (“Defendants”):

1. Matthew Finston is a New York resident who maintains his principal residence in New York, New York.
2. Taylor Christoffersen is a Kansas resident who maintains his principal residence at 1356 155th, Olathe, Kansas 66062.
3. Samuel Charles Cary is a Texas resident who maintains his principal residence at 17810 White Tail Court, Houston, Texas 77084.
4. Brady Farrell is an Arizona resident who maintains his principal residence at 32203 North 16th Avenue, Phoenix, Arizona 85085.
5. Addison Bradley Bachman is a New Mexico resident who maintains his principal residence in Columbus, New Mexico.

6. Upon information and belief, Defendants are the owners, operators, and administrators of the website www.mmj.today.

7. Upon information and belief, www.mmj.today is not owned or operated by an independent corporation or partnership.

8. www.mmj.today is a website purporting to “inform the community about the science, industry, lifestyle, health, business and politics surrounding medical marijuana around the world and related industry subjects.”

9. www.mmj.today is viewable, and has been viewed, by residents in the state of Michigan.

10. Jurisdiction is proper in this District pursuant to 28 U.S.C. §§ 1331, 1332 because the amount in controversy exceeds \$75,000 and the dispute is between citizens of different States and a foreign state.

11. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b)(3) because each of the defendants are subject to this Court’s personal jurisdiction.

General Allegations

12. Finston is an online author who writes about investing and corporations.

13. Fisnton regularly posts articles on a website seekingalpha.com, where he has posted at least 75 articles on a wide variety of subjects.

14. Finston has published a number of articles regarding companies that are vying to supply the anticipated legal marijuana market in Canada.

15. On occasion, Finston has been critical of a company called CEN Biotech.

16. CEN Biotech trades under the symbol FITX.

17. Defendants, through www.mmj.today, published an article on May 8, 2015 entitled “Potential Criminal Indictment of Stock Basher Matthew Finston.” (**Ex. A**, the “Article”.)

18. Defendants appear to have updated the Article since May 8, 2015 to include the words “From our viewpoint” and “allegedly.” Such statements do not make the article any less defamatory.

19. The Article maliciously and falsely claims that Finston “has engaged in obvious and admitted fraudulent conduct and willful misrepresentations with the intent to manipulate the price of FITX and cause a loss of value to shareholder’s stock – as sellers or purchasers. His alleged fraudulent conduct satisfies all of the elements . . . necessary to constitute a Rule 10b-5 violation.” (**Ex. A**.)

20. The Article is defamatory. Finston has not engaged in fraudulent conduct, and Finston has not made willful misrepresentations to manipulate stock prices or cause a loss of value to shareholder’s stock.

21. The Article was published maliciously, with knowledge that it was false, or with reckless disregard as to whether it was false.

22. On May 10, 2015, Finston demanded a retraction of the Article. (**Ex. B**.)

23. Defendants did not respond to Finston’s demand for retraction, and Defendants have not removed the article from the website.

24. The Article constitutes defamation per se, which is independently actionable pursuant to MCL 600.2911.

25. Finston has been damaged as a result of the Article.

26. Finston seeks judgment as set forth below.

Count I - Defamation

27. Finston incorporates the allegations in the foregoing paragraphs as though fully set forth here.

28. The Article makes false and defamatory statements about Finston.

29. Specifically, the Article falsely states that Finston committed a crime by fraudulently manipulating stock prices.

30. The Article is capable of being viewed by anyone in the world with internet access.

31. The Article was published maliciously, with knowledge that it was false, or with reckless disregard as to whether it was false.

32. The Article was per se defamatory pursuant to MCL 600.2911(1).

33. Finston has been damaged by the Article.

34. Finston seeks judgment as set forth below.

Count II – False Light Invasion of Privacy

35. Finston incorporates the allegations in the foregoing paragraphs as though fully set forth here.

36. The Article placed Finston in a false light in the public eye.

37. The Article gave Finston unwanted publicity.

38. Upon information and belief, the Article was viewed by thousands of people, if not millions of people, because it is capable of being viewed by anyone in the world with internet access.

39. Defendants knew or acted with reckless disregard as to the falsity of the Article and the false light in which it placed Finston.

40. Finston has been damaged by the Article.

41. Finston seeks judgment as set forth below.

Prayer for Relief

WHEREFORE, Finston respectfully requests that this Court enter judgment:

A. Awarding Finston money damages sufficient to compensate him for all forms of economic loss including, without limitation, actual, incidental, consequential, and/or exemplary damages;

B. Awarding Finston punitive damages pursuant to MCL 600.2911;

C. Awarding Finston all legal fees and costs associated with bringing this lawsuit;
and

D. Awarding Finston any and all such other relief as this Court deems just, equitable and appropriate under the circumstances.

Jury Demand

Finston demands a jury for all matters so triable.

Respectfully submitted,

BOYLE BURDETT

By: /s/H. William Burdett, Jr.

Eugene H. Boyle, Jr. (P42023)

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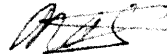
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Attorneys for Matthew Finston

Dated: June 4, 2015

Verification

I, Matthew Finston, verify that the foregoing statements are true and correct, to the best of my knowledge, information and belief. I further verify under penalty of perjury that the foregoing statement is true and correct.



Matthew Finston

STATE OF NEW YORK)

) ss

COUNTY OF NEW YORK)

Subscribed and sworn to before me this 27 day of MAY,
2015, by Matthew Finston.



Notary Public

